

December 12, 2017

**ERIE COUNTY COUNCIL – Regular Meeting**

Chairman Breneman called to order a Regular Meeting of the Erie County Council at 7:00 p.m. at the Erie County Council Chambers, 140 West 6<sup>th</sup> Street, Room 117, Erie, PA. Following the Pledge of Allegiance, Mrs. Loll read the following prayer/invocation:

“Dearest Jesus, we have come again to let our thoughts and hearts bring us to remember the times when we recall with pain the dark times in our lives and could not see the light. We remember the occasions we did not recognize the small pleasures and we were quick and hasty to criticize. It is the beginning of a season of renew. We are asking guidance to ease another’s burdens with equal justice. We want to live each day to use the talents given to us to heed the call to serve and safeguard. We have been given the right to demonstrate the equality of our lives and show others that it is better to understand the ideas of others than to fight at any cost. Let us set the example. We give thanks in this season of renew and bless all. Amen.”.

**Roll Call**

The County Clerk called the roll:

- Members Present:

Mr. DiMattio  
Mrs. Fatica  
Dr. Foust  
Mr. Horton  
Mr. Leone  
Mrs. Loll  
Mr. Breneman
- Members Absent:

None.
- Also Present:

Douglas R. Smith, County Clerk  
Sue Ellen Pasquale, Manager of Accounting  
James Sparber, Director of Finance  
Joseph Maloney, CPA

**Presentation to  
Det. Mark Rosenthal**

Chairman Breneman welcomed City Councilman Mel Witherspoon and stated that they are all appreciative that he has come to recognize Det. Rosenthal. Councilman Witherspoon, Erie, Pennsylvania, thanked Council for allowing him to present the award to Det. Rosenthal. He stated that for the past 27 years, he has been fortunate enough to operate a basketball league during the summer called “Spoons League” and it doesn’t cost any of the kids anything to play. There are young men from Harborcreek, Millcreek, and some from Corry to play. Councilman Witherspoon was here tonight to say thank you to Det. Mark Rosenthal. He commented that Det. Rosenthal’s presence brings about the aspect of police/community relationship. When he’s there, Mr. Witherspoon’s job is to run the league and if he’s not there, Mr. Witherspoon becomes the police and they don’t listen to him as much as they listen to Det. Rosenthal. When Det. Rosenthal is present, there are little to no problems. There were 316 participants in 2017 with no problems with the ball players. Social media is where the problem starts and the city police monitor social media and notify him if there will be an issue. Councilman Witherspoon stated he will thank Det. Rosenthal every year and the County every year for their participation in police/community relationships. Without Det. Rosenthal’s presence and without the County and District Attorney’s office support, his job will be a little harder. He stated that the participants are under control but it’s the 215 spectators that Det. Rosenthal has to deal with. Councilman Witherspoon then presented Det. Rosenthal with a plaque and thanked him for all of his hard work and dedication. Det. Rosenthal stated that the program that Councilman Witherspoon runs is a great program for the youth and he and his staff run a very well organized league. Occasionally there are a few

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problems, but the program is great for the kids in the summertime giving them something to do instead of running the streets and getting into trouble. He thanked Councilman Witherspoon and stated he enjoys helping him out each year.

### **Hearing of The Public**

Chris Scheppner, Erie, PA; city of Erie; Mr. Scheppner is the general manager of the Travel Centers of America in Harborcreek. He has been there for 21 years and deals with truck drivers every day. He was here to speak about the video gaming terminals. He knows the casino does not want them permitted. He stated that he was here to fight for the truck drivers. They are only permitted to be on the road for a specific number of hours and they get stuck at truck stops for the weekend. While there is a casino eight miles away, there is no shuttle to get there and they cannot drive their trucks because once they are on down time, the truck is not allowed to be started unless it's for heat only in the winter time and it can't be moved from the truck stop. He commented that having the video gaming terminals gives the truck drivers another option to do something other than sit for 24 hours and watch movies in the lounges. Truckers are in favor of having VGTs. Mr. Scheppner gave a statistic from the Illinois market where there is approximately \$115,000 to \$150,000 going to local jurisdictions that allow VGTs. He feels that having VGTs would give more money to the county and the municipalities. He is concerned if they are not allowed, truckers would drive through the county to another area that allows VGTs and would not be spending their money in Erie County. He asked that Council vote yes to allow VGTs in truck stops.

Art Leopold, Millcreek Township; Mr. Leopold discussed community benefit agreements. He stated that Councilman Horton is an advocate and there has been a growing movement to initiate these agreements wherever development is being done. He was at the Erie County Community Services Financing Authority public hearing about the organization GREATT's project. He was favorably surprised that the individuals from that organization are going to talk with Erie County United, which represents the community benefit agreements, in order to initiate a process where the community wins and that organization wins because of the joint agreement for the benefit of the community. This is a tool that could be used to raise all boats in our community. He stated he did not have to remind Council of the plight of African Americans in the community and he wanted to impress upon them in their thoughts and what they do to please advocate for community benefit agreements.

Ted Hoffman, Erie, PA; Mr. Hoffman is the regional manager of Pilot Flying J Travel Centers representing the Flying J in Erie, Pennsylvania. On behalf of the 15,000 individuals that visit his travel center each week, he is asking that Council opt in on the VGTs and not opt out. They have spent approximately \$1.5 million in that facility over the last year trying to improve the parking lots, rest rooms, showers and really offer a lot for the professional drivers who are spending many hours on the road coming through Illinois where there are VGTs. They have asked for this in Erie County as well. He is asking that Council not opt out of allowing VGTs.

Jerry Servidio, Millcreek Township; Mr. Servidio spoke regarding the implementation of a \$5.00 increase for registration on cars. He is totally opposed to it and he believes that all on Council should vote against it. He stated that Millcreek already received \$1,650,000; next year \$1,720,000; the city gets \$2,760,000; Harborcreek receives \$665,339; North East gets \$331,917. Pennsylvania is already the highest gas tax in the nation at 28 cents a gallon. Since 2009, 4,500 people have lost their jobs at GE, union people alone and not including management. He stated that many factors affecting Obamacare will cause a rate increase by 31%. He feels this is a back door tax. It hasn't been publicized and the only reason he learned about it was due to watching Channel 24. He feels that this is something that Council really needs to look at hard. He doesn't feel that people can afford it and that \$5 a year might not seem like much to some people, but \$5 a year is a lot of money to other people. He thanked Council for their time and consideration.

Danny Phoenix, Erie, PA; Mr. Phoenix spoke regarding the land bank proposals. He stated that what Erie city and county needs is neighborhood sustainability. There are a couple of proposals on the table and from what he understands, the County Executive's office wants to create more bureaucracy, another office and more support staff, all of which would take away from the \$1 million that the County would get yearly, none of which is going to go directly towards the neighborhoods. The County does not need more of the same. He stated that he is encouraged by

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Dr. Foust's proposal as it is more of a revitalization fund that would be open to various projects and organizations and neighborhoods. He feels it is the neighborhoods that need the money. The County doesn't need more offices, in his opinion, and it doesn't need more people on the payroll getting good benefits when people in the community are without necessary resources. He commented that all the resources have left the neighborhoods and something needs to be done to bring them back.

Jim McGoey, Erie, PA; Mr. McGoey wanted to address Council regarding the land bank. He stated that there are a couple of items in place including the fact that the city already has a committee working on this and it has been in place for over a year. The city lacks the funding. Erie County has the funding. He hopes that there would be a collaborative effort regardless of what is voted on. He stated that land banks are not the only answer. Flint, Michigan did a great job with theirs; Baltimore did a program called CORE and it worked well. Pennsylvania took that same project, changed it to SCORE and tried to implement it in Philadelphia. The politicians got in the way and it didn't work. He asked Council to research these programs in these other cities and see that they work. He stated that there is one effort out there with no money and the County has the money and he hoped that if it is passed, there is a collaborative effort and don't miss the opportunity that has been given.

Chairman Breneman stated that since this would have been the last Council meeting of the year, some items would have been considered for a second reading and vote, but instead there will be a special meeting at 5 p.m. on Tuesday, December 19<sup>th</sup>, to vote on the land bank resolutions.

Amy Reynolds, McKean Township; Ms. Reynolds wanted to discuss the HRC ordinance. She read the following statement:

"Institutionalized discrimination occurs when any targeted group or person is systematically denied access to vital resources. Denying convicted felons fair housing opportunities in an oppressive form of institutionalized discrimination which has detrimental effects on not only the individual but the community and society as well. When a felon has paid their debt for the criminal conviction and proven to be a rehabilitated member of society, it is both cruel and unusual punishment to label them for life and refuse them the restoration of their rights and liberties as a citizen. For the past 15 years, my fiancé has been living with a felony conviction on his record. He has served his sentence and paid his fines. He works and contributes to society, yet he has never been given back the opportunities or access to social resources that other citizens are provided. He is a kind man and a loving father, but his felony label has demoted him to a second class status and has made it impossible for him to effectively meet one of the most basic human needs, which is a safe shelter and home. We have four children together and every day is filled with a looming feeling of anxiety about our living situation. Without the economic capital needed to purchase a home, we are left with no other option but to rent. Nearly every rental property has a strict policy of not renting to convicted felons and engage in discriminatory practices based on this policy. My fiancé's felony conviction is a stigma that he is unable to escape and it is a label that has a devastating impact on the lives of myself and my four children. Everyday homelessness is a reality we may wake up to face. Due to strict felony policies, my fiancé is not permitted to live in the same home as myself and his children, forcing us to live in separate homes. The perpetuation of the negative felon stereotype has created a hysterical view of convicted felons and fostered a deep seeded fear of people with felony convictions on their criminal record. But the reality is convicted felons are a part of our community just like everyone else and they have the same basic needs, as all people do, which is the need for food, shelter, water, and stability. Convicted felons are more than just the crime they committed and were convicted of. Some are considered monsters to be feared and loathed. Convicted felons are fathers, brothers, sisters, mothers, neighbors, co-workers, and friends. They are people just like you and I and are deserving of equal opportunities and the pursuit of happiness, but at the very least they are deserving of a place that is called home and that is safe. Everybody makes mistakes and everybody deserves to prove that they have made a change. I thank you for allowing me to speak tonight."

Chairman Breneman stated that Council will likely table the HRC ordinance this evening and take it up for a vote at the special meeting on December 19<sup>th</sup>. He stated that the solicitor will be

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reviewing the ordinance, and that Council will also be discussing it at the Finance Committee meeting on December 14<sup>th</sup>.

Joe Aguglia, Erie, PA; Mr. Aguglia wanted to thank Council for their work in dealing with the issues involving the HRC ordinance. He stated that people like Ms. Reynolds call his office and he can't do anything to help them because the law doesn't state that he can help them. There is no ordinance at this time that can help her. He wanted Council to take that into consideration. He thanked Council for all they have done in working on this Ordinance.

### **Reports of County Officials**

Mr. Horton stated that the Finance Committee met on Thursday, December 7, 2017, and agreed to place Ordinances 115-128, 2017, along with Resolutions 57 through 66, 2017, numerous Board appointments, and 4 sales of parcels, on the agenda.

Mr. Leone stated that the Personnel Committee met immediately after Finance and agreed to place Ordinances 129-138, 2017, on the agenda.

Dr. Foust spoke briefly about very important decisions to be made by Erie County that will have lasting effects on the community. There are two proposals on the table and in Sunday's paper it talked about a lot of different initiatives taking place across the country. None of those particular initiatives are a description of what would be considered a traditional land bank. A traditional land bank and how it serves the public is part of his proposal, but there has to be more than that. He stated that what in the end Council will be doing is choosing someone to administer these particular funds. To his colleagues, particularly those who have any inkling of uncertainty as to where these funds should ultimately end up, he would ask if the most creative thing they could do for our future to embrace the change that is coming in this community to turn away from the practices that have been in this community for far too long. Is the most creative thing the County can do is to make this program part of County government, which would have to be, to some degree, funded on the backs of the taxpayers through the General Fund because he would disagree with Mr. Phoenix in some regard as someone will have to help run this which would require additional staffing in the future. However, if it is not part of County government, then those funds don't have to be absorbed through the General Fund. He commented that there has to be some other way that the County can achieve these objectives rather than having it be part of County government. What he fears, and he stated this in the past, is that if there is only thinking in terms of a traditional land bank, all this community will do is create a bank that has land. It won't be turned over to the degree that the proponents of a traditional land bank would say otherwise. As you look at blight in the city and blight in other communities, if a structure is torn down the problem is taken care of that the neighbors are going to worry about, and that property will quite likely lie foul and it has in many instances in the past. Dr. Foust would like to take care of the blight where it exists, but also create a structure where there is a board and representatives of this community that are thinking in terms of trying to address the issues that create the blight to begin with that can be prevented. He stated he has a lot of faith, and maybe some of his colleagues do not, that ECGRA can do that. Not only the executive director, who receives far too much criticism in his opinion, but the board itself. Dr. Foust's appointee, Mr. Peters, he has a lot of faith in, and Mr. Yaples is one whose appointment is up tonight and he is another one. Mr. Sample from the Corry area does a great job and Mr. Paris from Millcreek and the others do a good job. It's a very reputable board and one of the reasons why they have come under such heavy criticism at times, in Dr. Foust's opinion, is because they do not just roll over and get buffaloed with political pressure to fund a particular initiative so they do it. They were charged by the Courts and County government, to some degree, when they were first started, to create a process that is open and transparent and they have done that. It has been lauded by national organizations and national publications like Atlantic Monthly, and Dr. Foust feels the County should continue to expand on that instead of curtail it. Dr. Foust asked his colleagues to think in those particular terms that there has to be some approach that can be taken that is not the traditional approach of what a traditional land bank is. That can't be the most creative and most flexible of responses that this County Council can take and he asked that they continue to think about that as this issue moves forward.

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**Motion to Amend  
The Agenda**

Mr. Leone moved to table Ordinance Number 87, 2017, and Resolution Number 64, 2017. This was seconded by Mrs. Loll. This carried in a unanimous roll call vote.

Dr. Foust moved to amend the agenda to add Ordinances 139, which essentially replaces Resolution Number 62, 2017 as it has to be done by County ordinance, and 140, 2017, to the agenda. This was seconded by Mr. Leone and carried in a unanimous roll call vote.

Dr. Foust then moved to table Resolution Number 62, 2017. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

Mr. Leone then moved to amend the agenda and make Ordinances 115 through 123, 2017, second readings. This was seconded by Mr. Horton and carried in a unanimous roll call vote.

**OLD BUSINESS**

**Amend. To Ord. 87,  
2016 – HRC**

Mr. Smith gave a second reading of Ordinance Number 87, 2017, “Amendment to Ordinance Number 97, 2016 – Erie County Human Relations Commission”. Mr. Leone made a motion to table this ordinance, which was seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**NEW BUSINESS**

**Ord. 115, 2017 - PH SA  
for Tobacco Grant**

Mr. Smith gave a second reading of Ordinance Number 115, 2017, “Eleventh 2017 Public Health Fund Budget Supplemental Appropriation of \$105,295 for Tobacco Grant”. This was moved by Mr. Horton, seconded by Mrs. Loll, and carried in a unanimous roll call vote.

**Ord. 116, 2017 – PH  
SA for Highway Safety  
Grant**

Mr. Smith gave a second reading of Ordinance Number 116, 2017, “Twelfth 2017 Public Health Fund Budget Supplemental Appropriation of \$1,478 for Highway Safety Grant”. This was moved by Mr. Horton, seconded by Mrs. Fatica, and carried in a unanimous roll call vote.

**Ord. 117, 2017 – Library  
SA for Library Foundation  
Grant**

Mr. Smith gave a second reading of Ordinance Number 117, 2017, “Ninth 2017 Library Fund Budget Supplemental Appropriation of \$2,000 Grant from Erie Regional Library Foundation”. This was moved by Mr. Horton, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 118, 2017 – Library  
SA & Appr. Of Fees for  
Blasco Room Rental  
& Idea Lab**

Mr. Smith gave a second reading of Ordinance Number 118, 2017, “Tenth 2017 Library Fund Budget Supplemental Appropriation and Approval of Fees for Blasco Room Rental and Idea Lab”. This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 119, 2017 – Library  
SA & Appr. Of Fees  
For Blasco Room Rental  
& Idea Lab (2018)**

Mr. Smith gave a second reading of Ordinance Number 119, 2017, “First 2018 Library Fund Budget Supplemental Appropriation and Approval of Fees for Blasco Room Rental and Idea Lab”. This was moved by Mr. Horton, seconded by Mr. Leone, and carried in a unanimous roll call vote.

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**Ord. 120, 2017 – PS  
Rev. Exp. For Purchase  
Of Leased Vehicle**

Mr. Smith gave a second reading of Ordinance Number 120, 2017, “2017 Public Safety Fund Budget Revised Expenditures of \$14,371 for Purchase of Leased Vehicle”. This was moved by Mrs. Fatica, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Ord. 121, 2017 – Cap.  
Proj. SA in Grant Funds  
To Reduce Cost of  
Next Gen. Radio Proj.**

Mr. Smith gave a second reading of Ordinance Number 121, 2017, “Seventh 2017 Capital Projects Fund Budget Supplemental Appropriation of \$241,449 in Grant Funds to Reduce Cost of Next Generation Radio Project”. This was moved by Mrs. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 122, 2017 – Liq.  
Fuels Rev. Exp. From  
Emerg. Funding for  
Girard Twp. Proj.**

Mr. Smith gave a second reading of Ordinance Number 122, 2017, “2017 Liquid Fuels Fund Budget Revised Expenditures of \$18,156 from Emergency Funding for Girard Township Project”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 123, 2017 – D&A  
Rev. Revenue & Exp.  
From Add’l Base Fund  
Alloc. For FY 2017-2018**

Mr. Smith gave a second reading of Ordinance Number 123, 2017, “2017 Drug & Alcohol Services Fund Budget Revised Revenue & Expenditures from Additional Base Fund allocation for FY 2017-2018”. This was moved by Mrs. Fatica, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Ord. 124, 2017 – Amend.  
ECGRA Admin. Code**

Mr. Smith gave a first reading of Ordinance Number 124, 2017, “Amending Erie County Gaming Revenue Authority Article II, Section 5(D)(1)(f)(ii) of the Administrative Code of Erie County, Previously Amended by Ordinance Number 145, 2016”.

**Ord. 125, 2017 – Amend.  
EC Afford. Housing  
Fund Ord.**

Mr. Smith gave a first reading of Ordinance Number 125, 2017, “Amending the Erie County Affordable Housing Fund Ordinance”.

**Ord. 126, 2017 – Auth.  
Organization of NIRF**

Mr. Smith gave a first reading of Ordinance Number 126, 2017, “Authorizing the Organization of the Neighborhood and Infrastructure Revitalization Fund (NIRF) and Governing Board”.

**Ord. 127, 2017 – Ord.  
To Create EC Land  
Bank**

Mr. Smith gave a first reading of Ordinance Number 127, 2017, “An Ordinance to Create the Erie County Land Bank, Providing for a Board of Directors, Powers, and Funding”.

**Ord. 128, 2017 – Imp.  
Of Fee for Local Use  
Nonexempt Veh.  
Registered in Erie  
County**

Mr. Smith gave a first reading of Ordinance Number 128, 2017, “An Ordinance for the Implementation of a Fee for Local Use as Provided by 75 PA.C.S.A. §1935 for Each Nonexempt Vehicle Registered to an Address in Erie County.

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**Elected Officials’  
Salaries Ordinances  
(Ords. 129-137, 2017)**

Dr. Foust moved to approve the following elected officials’ salaries ordinances in one motion, which was seconded by Mr. Leone and carried in a 6-1 vote, with Mr. DiMattio voting no.

Ordinance Number 129, 2017, “2018 Appointed Official’s Salary Ordinance – County Clerk”.  
Ordinance Number 130, 2017, “2018 Appointed Official’s Salary Ordinance – Director of Human Services”.  
Ordinance Number 131, 2017, “2018 Appointed Official’s Salary Ordinance – Director of Finance”.  
Ordinance Number 132, 2017, “2018 Appointed Official’s Salary Ordinance – Director of Administration”.  
Ordinance Number 133, 2017, “2018 Appointed Official’s Salary Ordinance – Public Defender”.  
Ordinance Number 134, 2017, “2018 Appointed Official’s Salary Ordinance – Full Time and Part Time Assistant Public Defenders”.  
Ordinance Number 135, 2017, “2018 Appointed Official’s Salary Ordinance – County Solicitor”.  
Ordinance Number 136, 2017, “2018 Appointed Official’s Salary Ordinance – Assistant County Solicitors”.  
Ordinance Number 137, 2017, “2018 County Council Solicitor’s Retainer”.

**Ord. 138, 2017 – GF  
SA for Creation of  
Sec. Position in MDJ  
Bizzarro Ofc.**

Mr. Smith gave a second reading of Ordinance Number 138, 2017, “First 2018 General Fund Budget Supplemental Appropriation of \$43,171 for Creation of Secretarial Position in Office of MDJ Bizzarro”. This was moved by Mr. Leone, seconded by Dr. Foust, and carried in a unanimous roll call vote.

**Res. 57, 2017 – Appr.  
ADA Transition Plan  
2018-2020**

Mr. Smith gave a reading of Resolution Number 57, 2017, “Approving the Erie County, Pennsylvania ADA Transition Plan 2018 through 2020”. This was moved by Dr. Foust, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 58, 2017 – Allegh.  
Cty. Hosp. Dev. Auth.  
Bonds**

Mr. Smith gave a reading of Resolution Number 58, 2017, “Allegheny County Hospital Development Authority not to Exceed \$1,000,000,000 Health Facilities Revenue Bonds (Allegheny Health Network)”. This was moved by Dr. Foust and seconded by Mrs. Loll.

Dr. Foust commented for those in the audience that this is an Allegheny County Hospital Development Authority and any participating county that has a facility affected by this particular bond has to pass this particular resolution and that is why it is on the agenda.

Mr. Leone commented that this is no cost to the County. Chairman Breneman clarified that Resolutions 58 and 59 do not involve any County dollars, but because of the nature of the financing for Allegheny Network hospitals around the state, they are working with tax free bond issues and the counties are requested to pass resolutions in their respective county to help them achieve that financing option.

Resolution 58, 2017, then carried in a unanimous roll call vote.

**Res. 59, 2017 –  
ECCFSA Tax-Exempt**

**Note (GREATT)**

Mr. Smith gave a reading of Resolution Number 59, 2017, “Erie County Community Services Financing Authority not to Exceed \$6,200,000 Tax-Exempt Note (Greater Regional Erie Athletic Team Training Project)”. This was moved by Dr. Foust and seconded by Mr. Leone.

Dr. Foust encouraged his colleagues to vote for this measure. He feels it is a worthy project and it has been a long time coming to get to this particular point. Dr. Foust commented that this is something that could benefit the community. With JMC Ice Arena closing, it makes the need for these types of facilities that much greater in the community. If citizens have children or grandchildren and want to take them ice skating, in this community it is not the most fun thing in the world because there is very little space on the ice and hopefully this will benefit the community in a lot of ways.

Resolution Number 59, 2017, then passed in a 6-1 vote, with Chairman Breneman voting no.

**Res. 60, 2017 – Appr.  
Of ECCCA 2018  
Operating/Capital  
Budget**

Mr. Smith gave a reading of Resolution Number 60, 2017, “Approval of the 2018 Operating/Capital Budget of the Erie County Convention Center Authority and Associated Properties”. This was moved by Mrs. Loll, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 61, 2017 – Appr.  
2 yr. lease b/w Renaiss.  
Ctr. & Erie County**

Mr. Smith gave a reading of Resolution Number 61, 2017, “Approving a Two Year Lease Agreement between the Renaissance Centre, LTD and the County of Erie”. This was moved by Dr. Foust, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**Res. 62, 2017 – Inc.  
Of Fees in Recorder  
Of Deeds Ofc.**

Mr. Smith gave a reading of Resolution Number 62, 2017, “A Resolution of the County Council of the County of Erie, Pennsylvania, Regarding the Imposition of a Fourteen Dollar and Twenty-Five Cent Increase in the Fees Charged by the Recorder of Deeds Office for Recording Deeds and Mortgages to Fund the Erie County Land Bank”. Dr. Foust moved to table this resolution, which was seconded by Mr. Horton and carried in a unanimous roll call vote.

**Res. 63, 2017 – Appr.  
IGT b/w Dept. of HS,  
Ofc. Of Long Term  
Living & Erie County**

Mr. Smith gave a reading of Resolution Number 63, 2017, “Approving the Intergovernmental Transfer Agreement Between the PA Department of Human Services, the Office of Long Term Living, and the County of Erie”. This was moved by Mr. Horton, seconded by Mr. Leone, and carried in a unanimous roll call vote.

**Res. 64, 2017 – Appt.  
Of Firm for Single  
Audit y/e 12/31/17**

Mr. Smith gave a reading of Resolution Number 64, 2017, “Appointment of Firm to Perform Comprehensive Single Audit for Erie County and Related Funds for the Year Ending December 31, 2017”. Mr. Leone moved to table this resolution, which was seconded by Mrs. Loll and carried in a unanimous roll call vote.

**Res. 65, 2017 – To  
Prohibit VGT in  
Erie County**

Mr. Smith gave a reading of Resolution Number 65, 2017, “Resolution to Prohibit the Placement of Video Gaming Terminals (VGT) in Erie County”. This was moved by Dr. Foust and seconded by Mr. Horton.



Dr. Foust commented that if members wished to have VGTs in Erie County, they would need to vote no on this resolution.

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Chairman Breneman commented that he appreciated having representatives from TA and Flying J. He comes from a family of truck drivers and his brother is a long haul truck driver. He stated that the way the state legislation works on this is that the County only has one shot at prohibiting the VGTs, but that doesn't mean that the County can't "un" prohibit it, this is just the one shot to prohibit it otherwise after the first of the year, the County would not have the opportunity to ban them. If it does pass tonight, it doesn't mean that VGTs are forever banned and there would still be an option to approach County government to have that ban lifted.

Mr. DiMattio wanted to clarify that Erie County standing to gain 10% of this revenue might be wrong. Unless he misunderstood how it is written at the state level, all the revenue from the VGTs and the proceeds thereof and that 10% would go to a pool in Harrisburg to be distributed at their discretion. The County is not guaranteed to get any VGT money here in Erie County as the legislation is written at this time.

Resolution Number 65, 2017 then carried in a 6-1 vote, with Dr. Foust voting no.

**Res. 66, 2017 – Appr.  
Solicitor Contract in  
Controller's Office**

Mr. Smith gave a reading of Resolution Number 66, 2017, "Approving Solicitor Contract Submitted by the Office of the Controller". This was moved by Mr. Leone, seconded by Mr. Horton, and carried in a unanimous roll call vote.

**BOARD/AUTHORITY  
APPOINTMENTS**

Dr. Foust moved to approve all Board/Authority appointments in one vote, then amended his motion to separate the reappointment of David Yapple to ECGRA and Michael McCormick to ECCCA. This was seconded by Mr. Horton, and carried in a unanimous roll call vote.

- Reappointment of Eric Seggi to the Erie County Convention Center Authority
- Reappointment of James Carstater to the Public Safety Advisory Committee
- Reappointment of Richard Warner to the Public Safety Advisory Committee
- Reappointment of Chief Donald Dacus to the Public Safety Advisory Committee
- Reappointment of Angela Vincent to the Public Safety Advisory Committee
- Reappointment of Dr. Carla Picardo to the Erie County Board of Health
- Reappointment of Dr. Richard Ortoski to the Erie County Board of Health
- Reappointment of Dr.Carolynn Masters to the Erie County Board of Health
- Reappointment of Deborah Phillips to the Erie County Agricultural Land Preservation Board
- Reappointment of John Mason to the Erie County Agricultural Land Preservation Board
- Reappointment of Paul Pangratz to the Erie County Agricultural Land Preservation Board
- Reappointment of Charlene Kerr to the Erie Metropolitan Transit Authority
- Reappointment of Christine Fuhrman Konzal to the Erie County Drug & Alcohol Abuse Advisory Board
- Appointment of Mary Ellen Lieb to the Erie County Children & Youth Advisory Board
- Appointment of Earl Brown to the Erie County Agricultural Land Preservation Board

Dr. Foust moved to approve the reappointment of David Yapple to the Erie County Gaming Revenue Authority. This was seconded by Chairman Breneman.

Dr. Foust commented that he would vote for this particular appointment. He stated that four years ago, as Council had colleagues that were outgoing from Council, they were provided the courtesy of reappointing people to boards that they had the particular authority to do so. Dr. Foust stated that the only thing that has changed between now and then is the particular colleague. He does not feel that this is a course of action that is fair and he will approve both Mr. Yapple's appointment and Mr. McCormick's appointment as they are excellent representatives on the two boards they sit on and he will vote in the affirmative.

Mr. DiMattio commented that he means no disrespect to Chairman Breneman or Mr. Yaple, and he considers both of them friends. Mr. DiMattio, too, will be leaving Council at the end of this year. He has two appointments that will expire at the end of this year and it is his thought from a procedural standpoint that with those two appointments, he could have also reappointed as Mr. Breneman is recommending. Mr. DiMattio feels that Mr. Rastetter, who will be taking his seat in 2018, should be afforded the option to reappoint moving into next year. He stated that he would not be voting in the affirmative on Mr. Yaple's appointment.

Mr. Horton commented that four years ago he was elected and he asked the outgoing representative to allow him to make those appointments and that didn't happen. He did not feel it was fair then and for an outgoing colleague to appoint someone to a seat for the next four or five years when there is a new colleague coming on board. Mr. Horton stated he would not vote in the affirmative.

Chairman Breneman made the point that he has never made an appointment to this board. The way it falls, it would come up under the expiration of this year and according to the Council solicitor, who emailed everyone, it does allow for the appointment to be made before the expiration. On top of that, he expressed the fact that it is outside the norm for other council members before Mr. Horton and Mr. DiMattio. He commented that he has been the liaison to ECGRA for the past four years, and Mr. Yaple has had a perfect attendance record for every meeting, he has been involved and engaged, and has done fantastic work. Chairman Breneman stated this is not a normal appointment where some run concurrent with the Council member term. There was an appointment that Councilman Leone, Councilman Horton, and Chairman Breneman made together in April prior to the primary election, and this appointment went beyond Chairman Breneman's term, and without certainty, though he was re-elected, Councilman Horton's term. He stated that Council quite regularly makes appointments and decisions that go beyond their terms. He stressed that this is not the second appointment he has made to this position, it's his first time making the appointment, and this is someone who has committed a lot of time to the board. He is not trying to sneak in an appointment.

Dr. Foust commented that the appointments went through four years ago unanimously and a precedent was set and hoped that Council would continue with the courtesy that was extended once before and should be extended this time. He stated that all Council members will be defeated at either the ballot box or by term limits and will be on their way out one day and may wish to have that same courtesy extended.

The reappointment failed in a 2-5 vote, with Mr. DiMattio, Mrs. Fatica, Mr. Leone, Mrs. Loll, and Mr. Horton voting no.

Dr. Foust moved to approve the reappointment of Michael McCormick to the Erie County Convention Center Authority. This was seconded by Mrs. Loll, and carried in a 5-2 vote, with Mr. Leone and Mr. Horton voting no.

#### **SALE OF PARCELS**

Dr. Foust moved to approve the Sale of Parcels from Repository for Unsold Properties at the following index numbers:

#15-020-018.0-234.00  
#27-013-008.1-023.53  
#45-023-054.1-004.22  
#47-011-027.2-007.98

#### **Ord. 139, 2017 – Auth. Rec. of Deeds Ofc. To Collect Add'l Fees**

Mr. Smith gave a first reading of Ordinance Number 139, 2017, "An Ordinance of the County of Erie, Pennsylvania Authorizing the Recorder of Deeds to Collect Additional Recording Fees for the Express Purpose of Demolition of Blighted Property within the County".

December 12, 2017

**Ord. 140, 2017 – Amend.  
Admin. Code – Financial  
Procedures**

Mr. Smith gave a first reading of Ordinance Number 140, 2017, “Amendment to the Administrative Code, Article IV, Section 12D – Financial Procedures”.

The next regular County Council meeting will be held at the Erie County Courthouse on Tuesday, December 19, 2017, at 5:00 p.m.

There being no further business, the meeting then adjourned at 8:08 p.m.

Deneé M. Breter, Council Secretary

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